APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
GILLIS, BRIAN J

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/082,038	FOMENKO, ANATOLI
	Examiner	Art Unit
	Brian J. Gillis	2141

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 February 2002 and 16 August 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-61</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-61</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>20 February 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Claim Objections

Claims 39, 40, and 55 are objected to because of the following informalities:

Claims 39 and 40 disclose of "A method according to claim 37", claim 37 discloses an

apparatus. Claim 55 discloses "An apparatus method according to claim 45", claim 45

discloses an apparatus. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 8, 16-18, 21, 30, 37, 45-47, 50, 59, 60, and 61 rejected under 35

U.S.C. 103(a) as being unpatentable over Apte (US Patent #6,959,307) in view of Wiles

(US PGPUB US2003/0055883) in view of Fomenko (Applicant Admitted Prior Art).

Claims 1, 8, 16-18, 21, 30, 37, 45-47, 50, 59, 60, and 61 disclose in a software

development environment, a method for deploying version control system server

software having a remote access capability, said method comprising: providing a

functional software unit implementing version control system server functionality;

providing a module deployment descriptor for directing a deployment tool to deploy a

module; packaging the functional software unit with the module deployment descriptor

into a Web module for deployment in accordance with a component-based platform-

independent specification; and deploying the Web module onto a Web server platform

using the deployment tool of the software development environment, the Web server

platform including a machine, an operating system, and hosting server software, the

deployment tool including a server plug-in provided by a provider of the hosting server

software, the server plug-in automatically installing a Web module on a corresponding

server platform when the Web module complies with the component-based platform-

independent specification. Apte teaches of providing a deployment descriptor and

packaging the deployment descriptor with an application in a platform specific model

(column 7, lines 4-11, 23-27). It fails to teach of using version control system server

software and including a server plug-in provided by a provider of the server software.

Fomenko teaches of Forte TeamWare which provides version control system server

functionality (paragraph 2). Wiles teaches of a plug-in, which is provided by the

software provider and is used to execute various tasks on the server platform

(paragraphs 225-226 and 229).

Apte, Wiles, and Fomenko are analogous art because they are related to remote

execution of tasks over a network.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the deployment descriptor in Apte, with the version control software

in Fomenko with the plug-in in Wiles because the capability to monitor and optimize a

client is provided by keeping manual configurations minimal (Wiles, paragraphs 7 and

38).

Claims 2-4, 6, 9, 10, 12, 14, 19, 20, 22, 23, 26-28, 31-33, 35, 38, 39, 41, 43, 48,

49, 51, 52, and 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Apte (US Patent #6,959,307) in view of Wiles (US PGPUB US2003/0055883) in view of

Fomenko (Applicant Admitted Prior Art) as applied to claims 1, 8, 16, 30, 37, and 45

above, and further in view of Obilisetty (US PGPUB US20040268344).

Claims 2, 9, 19, 22, 31, 38, 48, and 51 disclose a method wherein the functional

software unit includes a program of instructions for generating dynamic content and

interacting with clients using a request-response scheme. Apte in view of Wiles in view

of Fomenko teaches of the limitations of claims 1, 8, 16, 30, 37, and 45. It fails to teach

of generating dynamic content and interacting with clients using a request-response

scheme. Obilisetty teaches of an application, which facilitates the exchange of

information between different objects (paragraph 39).

Apte in view of Wiles in view of Fomenko further in view of Obilisetty are

analogous art because they are related to remote execution of tasks over a network.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the application in Obilisetty with the system in Apte in view of Wiles

in view of Fomenko because maintaining, upgrading, and distributing applications and

updates to clients are provided efficiently and at a reduced cost (Obilisetty, paragraph

12).

Claims 3, 10, 20, 23, 32, 39, 49, and 52 disclose a method wherein the functional

software unit includes a program of instructions for returning dynamic content to clients

using template data, custom elements, scripting languages, and server-side objects.

Obilisetty further teaches of an application, which facilitates the exchange of information

between different objects (paragraph 39).

Claims 4, 12, 33, and 41 disclose a method wherein the remote access capability employs a hypertext transport type protocol. Obilisetty further teaches of using standard Internet protocols including HTTP (paragraph 36).

Claims 6, 14, 28, 35, 43, and 57 disclose a method according to claim 1 wherein the component-based platform-independent specification includes a component-based platform independent specification employing a multi-tier, thin-client application model. Obilisetty further teaches of providing a thin client model with the functionality of a fat client (paragraph 14).

Claims 26 and 55 disclose a method further comprising: starting the version control system software at the server; and configuring the version control system server software deployed on the server platform, if required. Obilisetty further teaches of updating the client software if required (paragraph 15).

Claims 27 and 56 disclose a method further comprising: starting the version control system software at the client; and accessing from the client the version control system server. Obilisetty further teaches of a client using the software and accessing the server (figure 2, paragraph 16).

Claims 5, 13, 25, 34, 42, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apte (US Patent #6,959,307) in view of Wiles (US PGPUB US2003/0055883) in view of Fomenko (Applicant Admitted Prior Art) as applied to claims 1, 8, 16, 30, 37, and 45 above, and further in view of Kushnirskiy (US PGPUB US2003/0079052).

Claims 5, 13, 25, 34, 42, and 54 disclose a method wherein said deploying comprises: selecting, in response to a user's input, a server platform having a corresponding server plug-in; and calling the corresponding server plug-in for the selected server platform. Apte in view of Wiles in view of Fomenko teaches of the limitations of claims 1, 8, 16, 30, 37, and 45 as recited above. It fails to teach of selecting a server platform having a server plug-in and calling the corresponding plug-in for the platform. Kushnirskiy teaches of each platform having and using a plug-in specific to the platform (paragraph 16).

Apte in view of Wiles in view of Fomenko further in view of Kushnirskiy are analogous art because they are related to remote execution of tasks over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the platform specific plug-in in Kushnirskiy with the system of Apte in view of Wiles in view of Fomenko because an automated installation process is provided (Fomenko, paragraph 8).

Claims 7, 15, 29, 36, 44, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apte (US Patent #6,959,307) in view of Wiles (US PGPUB US2003/0055883) in view of Fomenko (Applicant Admitted Prior Art) as applied to claims 1, 8, 16, 30, 37, and 45 above, and further in view of BEA (Non Patent Publication).

Claims 7, 15, 29, 36, 44, and 58 disclose a method wherein the computer program development environment software includes an integrated development environment with deployment capability. Apte in view of Wiles in view of Fomenko

teaches of the limitations of claims 1, 8, 16, 30, 37, and 45 as recited above. It fails to

teach of including an integrated development environment with deployment capability.

BEA teaches of a development environment with combined application development

and deployment capabilities (paragraph 1).

Apte in view of Wiles in view of Fomenko further in view of BEA are analogous

art because they are related to remote execution of tasks over a network.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the development environment in BEA with the system of Apte in

view of Wiles in view of Fomenko because the environment simplifies the task of

integrating proprietary legacy systems with standards-bases applications (BEA,

paragraph 2).

Claims 11, 24, 40 and 53 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Apte (US Patent #6,959,307) in view of Wiles (US PGPUB

US2003/0055883) in view of Fomenko (Applicant Admitted Prior Art) as applied to

claims 8, 16, 37, and 45 above, and further in view of Nadler et al (US PGPUB

US2003/0070006).

Claims 11, 40, and 53 disclose a method wherein the functional software unit

includes a program of instructions capable of being called and executed remotely using

servlet mechanism or web services. Apte in view of Wiles in view of Fomenko teaches

of the limitations of claims 8, 37, and 45 as recited above. It fails to teach of a program

of instructions capable of being called and executed remotely using servlet mechanism

or web services. Nadler et al teaches of using standard protocols including HTTP and

SOAP, which enables web services to be used across networks (paragraph 13).

Apte in view of Wiles in view of Fomenko further in view of Nadler et al are

analogous art because they are related to remote execution of tasks over a network.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the web services in Nadler et al with the system of Apte in view of

Wiles in view of Fomenko because the applications are able to communicate with each

other over the Internet in a manner that is independent of the platform (Nadler et al,

paragraph 13).

Claim 24 discloses a method wherein the functional software unit includes a

program of instructions capable of being called and executed remotely using a remote

procedure call. Nadler et al further teaches of the use of a remote procedure call to

execute a program (paragraph 4).

Response to Arguments

Applicant's arguments, see pages 19-22, filed August 16, 2005, with respect to

the rejection(s) of claim(s) 1-61 under 35 U.S.C. 103(a) have been fully considered and

are persuasive. Therefore, the rejection has been withdrawn. However, upon further

consideration, a new ground(s) of rejection is made in view of newly found prior art

references.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Gillis whose telephone number is 571-272-7952. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian J Gillis
Examiner
Art Unit 2141

BJG

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER